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COMMITTEE AGAINST TORTURE

Thirteenth session

SUMMARY RECORD OF THE 207th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 18 November 1994, at 10.30 a.m.

Chairman: Mr. DIPANDA MOUELLE

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The meeting was called to order at 10.40 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

1. The CHAIRMAN said that the Committee had to designate country rapporteurs and co-rapporteurs in respect of four States parties whose reports were to be considered at the next session.

2. Following a brief discussion, he announced that the rapporteurs and co-rapporteurs would be:

Guatemala	Rapporteur:	Mr. Gil Lavedra;
	Co-rapporteur:	Mr. Sorensen.
Italy	Rapporteur:	Mr. Gil Lavedra;
	Co-rapporteur:	Mrs. Iliopoulos-Strangas.
Mauritius	Rapporteur:	Mr. Ben Ammar;
	Co-rapporteur:	Mr. Dipanda Mouelle.
Netherlands	Rapporteur:	Mr. Sorensen;
	Co-rapporteur:	Mr. Yakovlev.

3. The CHAIRMAN recalled that a number of members of the Committee had expressed doubts about its ability to cope, within the current amount of annual meeting time, with the constant growth in reports and communications arising from the steadily increasing number of States parties to the Convention and the resultant growth in the number of reports and communications received. It had been suggested that the Committee should be given a further two-week session each year, for which New York would be the preferred venue. Alternatively, an extension of one or one-and-a-half weeks to an existing session might be considered.

4. Mr. YAKOVLEV said he agreed that the Committee could do with an additional session. Personally, he would find September the most suitable time for it.

5. Mr. BURNS agreed that the matter deserved consideration. He himself, however, would be unable to find time in September, and would prefer August.

6. Mr. LORENZO felt that the Committee should ask for an additional session, but only from 1996 onwards. One advantage of New York as a venue was that the Committee would undoubtedly have a higher profile there. The problem of finding a time suitable for all members stemmed from the apparent tradition, in United Nations treaty bodies, of appointing voluntary experts; the possibility of appointing paid experts, as in other fields, should perhaps be considered.

7. Mrs. ILIOPOULOS-STRANGAS said that, although a comparative newcomer to the Committee, she was already well aware of its workload, the constant pressure of which was perhaps not conducive to the most effective results.

She agreed that the Committee needed further time, but doubted whether many members could spare more than two consecutive weeks, which meant that a separate session would be preferable. She also agreed about New York's suitability as a venue; in fact, if the calendar were to remain at two sessions, she would welcome alternate venues. She shared Mr. Lorenzo's concern about the use of unpaid experts, which was liable to result in confining the work largely to retired persons.

8. Mr. BEN AMMAR said that he would be in favour of two slightly longer sessions a year, with New York and Geneva as alternate venues.

9. Mrs. KLEIN (Representative of the Secretary-General) said that the rule followed by the General Assembly with regard to venues was that a body should meet where its secretariat was located; exceptions were rarely granted. For the possibility of a third session to be considered, the Committee would have to decide to submit a recommendation to the General Assembly. The relevant financial implications would have to be announced before any decision was taken, but it was clearly too late to do so during the current session. Very strong reasons would have to be adduced if the recommendation was to have any chance of adoption.

10. Mr. YAKOVLEV said that it might be better to envisage Geneva as the venue for a third session, for which the second half of August might, perhaps, be considered.

11. Mr. BURNS said that the Committee could probably handle its 1995 workload without undue problems. Thereafter, he foresaw growing difficulties, but felt that the Committee could show good grounds, including considerable cost-effectiveness, for requesting the additional time. He recalled that the Secretariat had cautioned the Committee about a similar request in the past. It would be better, therefore, to postpone any decision in that regard until the next session, when a reasoned case could be put forward.

12. Mr. SORENSEN said he agreed that it would be unwise to raise the matter at the end of the current session, when as it so happened, the Committee was about to complete its work ahead of time. It would also be as well to show that the Committee was trying to rationalize its work; on the subject of communications, for example, he suggested that the Secretariat could circulate them at the beginning of each session for prior perusal rather than wait until the relevant agenda item was taken up.

13. He thought that, in general, the Committee's task might be lightened, as well as highlighted, if the universally important issue of torture were to be given greater attention in other United Nations bodies and activities - for example, by means of training and education, including the attachment of experts, for peace-keeping missions and other activities in the field.

14. Mrs. KLEIN (Representative of the Secretary-General) said that, if the Committee so desired, the Secretariat could prepare, pursuant to rule 25 of

the Committee's rules of procedure, an estimate of the cost involved, based on a session held at Geneva, for consideration by the Committee at its next session.

15. The CHAIRMAN suggested that the estimate should make a comparison between a two-week and a one-week session. He took it that the Committee wished to have the figures prepared accordingly, with a view to putting forward a unanimous recommendation at its next session.

16. It was so agreed.

REPORT ON THE 5th MEETING OF CHAIRPERSONS OF HUMAN RIGHTS TREATY BODIES

17. The CHAIRMAN said that the Chairpersons or representatives of the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture, together with representatives of ILO, UNICEF, UNHCR and a number of human rights non-governmental organizations (NGOs) had met at the United Nations Office at Geneva from 19 to 23 September 1994 for the purpose of proposing ways of improving the system of monitoring the implementation of the United Nations international human rights instruments.

18. The meeting, presided over by Mr. Garvalov, had adopted conclusions and recommendations on 20 agenda items.

19. The participants had emphasized that the promotion and protection of all human rights and fundamental freedoms should be considered as priority objectives of the United Nations.

20. With regard to the universal acceptance of human rights instruments, they had noted with satisfaction that 176 of the 184 Member States of the United Nations and 4 non-members were party to at least one of the six principal human rights instruments, but had stressed that accession needed to be accompanied by full respect for the provisions of those instruments, including the obligation to submit reports.

21. On the question of the late submission of reports, the participants had noted the detailed study on alleviating the burden of reporting and the serious problem posed by the late submission of States parties' reports. They took the view that the failure to perform the obligations imposed by the human rights instruments was a violation of international law and had reiterated their recommendation that each treaty body should, as a last resort in the absence of a report, look into the situation in a State party whose report was very late.

22. With regard to the more effective integration of human rights into all United Nations activities, the participants had emphasized that all human rights should apply fully to women and recommended that each body should try to modify its reporting guidelines for States parties, where necessary, to ask them to include information, including statistical information for each sex, on the status of women in respect of each instrument, and that the same should apply in the NGOs, intergovernmental organizations, and United Nations specialized agencies and offices.

23. They had also deeply regretted the increasing tendency of certain United Nations organs to recognize the codified standards and then to attempt to redefine those standards by adopting different terminology, establishing different priorities and creating extra monitoring mechanisms. They had consequently decided to bring the problem to the attention of the High Commissioner for Human Rights, and had welcomed the recommendation in the Vienna Declaration and Programme of Action to organize training programmes for international civil servants concerned with human rights.

24. The participants had also recommended that United Nations bodies should make human rights education one of their priority activities and encourage and assist States parties to include human rights instruction and teaching programmes in their educational curricula and in the media.

25. With regard to the prevention of human rights violations, the participants had welcomed the efforts of some United Nations bodies to develop procedures to prevent human rights violations and reiterated their recommendations that, in its discussions, decisions and resolutions, the Security Council should take fully into account the obligations incumbent upon the States parties concerned under the principal human rights instruments. They had also recommended that the Security Council should pay increasing attention to human rights violations as an early indication of national and international instability and a threat to peace, and had suggested that a meeting should be held in 1995 with the Secretary-General to discuss the role that the international bodies could play.

26. On the subject of reservations to international human rights instruments, the participants had taken the view that States parties should be asked to give their reasons for their reservations, some of which were incompatible with international law.

27. Participants had noted with concern that some States parties had not yet formally confirmed their succession in respect of human rights instruments and were of the opinion that successor States were automatically bound by the obligations arising from international human rights instruments from the date of their accession to independence.

28. With regard to the range of information to be included in reports, they had affirmed the recommendation of the World Conference on Human Rights that treaty-monitoring bodies should devote part of their work to the status and fundamental rights of women, and that States parties should be encouraged to include information in their reports on the de jure and de facto status of women and on the status of the child.

29. With regard to the question of cooperation with specialized agencies and other organizations in the United Nations system, they had recommended that representatives of those agencies and organizations should be invited to their future meetings and should be invited to provide the treaty bodies annually with any human rights information that they wished them to consider. Each treaty body should consider ways of increasing participation by and exchange of information with those agencies and organizations. In addition, the

agencies and other organizations of the United Nations system might wish to invite representatives of the treaty bodies to address their general conferences.

30. With regard to enhancing the role of the NGOs, they had recommended that each treaty body should consider ways of modifying their working methods and rules of procedure to enable the NGOs to participate more extensively in their activities, including the consideration of States parties' reports. They had also recommended that NGO representatives should be invited to speak at future chairpersons' meetings and submit appropriate recommendations.

31. With a view to ensuring greater publicity at the national level, they had decided to request States parties to translate, publish and make available to the media the full text of the treaty bodies' concluding remarks on their reports, and to encourage the NGOs to translate that text into the local languages. They had also decided to publish separately, at the end of each year, a compilation of all the concluding remarks which they had adopted in the course of the year.

32. The participants had strongly supported the recommendation by the World Conference on Human Rights that the Centre for Human Rights should be given sufficient human, financial and other resources to enable it to perform its work efficiently and in a timely manner. Drawing attention to the Committees' need for a proper human rights documentation room in the Centre, they had urged the High Commissioner for Human Rights to take the necessary steps to provide one.

33. On the question of financing, they had strongly recommended that a fund to finance the work of the members of the treaty bodies in connection with emergency situations, and for human rights information, coordination and training activities should be set aside out of the United Nations regular budget.

34. Participants had noted with concern the difficulties of the Committee on the Elimination of Discrimination against Women in carrying out its work properly due to its inability to devote a sufficient number of meetings to the reports of the States parties, which were being considered as much as three years after their submission. They had also noted the difficulties which that Committee was experiencing in exchanging information with the other treaty bodies due to the fact that it was based in New York. They had consequently recommended that, at its January 1995 session, that Committee should consider and take a decision on the question of transferring its meetings and secretariat to Geneva.

35. On the question of computerization, the participants had considered that the delays, despite the regular support of the Commission on Human Rights and the General Assembly, were seriously affecting the efficiency of their work.

36. They had recommended that the reporting manual should be revised to include the Convention on the Rights of the Child and the work of its Committee before being reprinted as a loose-leaf publication.

37. In view of the need for measures to facilitate coordination and interaction between the treaty bodies, they had emphasized the need to identify, at the 1995 meeting, the elements which were hampering the implementation of the international instruments.

38. Lastly, they had recommended that the chairpersons' meetings should in future be held annually instead of once every two years.

CLOSURE OF THE SESSION

39. After the customary exchange of courtesies, The CHAIRMAN declared the session closed.

The meeting rose at 11.45 a.m.